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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,123	03/27/2001	Katsuki Hazama	1737/00014	1669

7590 08/26/2003  
Connolly Bove Lodge & Hutz LLP  
Suite 800  
1990 M Street, N.W.  
Washington, DC 20036-3425

EXAMINER

MOSSER, ROBERT E

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

NK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/817,123	HAZAMA, KATSUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert Mosser	3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) ~~2-3, 6-11~~ <sup>5</sup> is/are withdrawn from consideration. *mel*
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1 and 6-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/060,106.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1, and 6-15 drawn towards a plurality of multi-valued cells in Paper No. 5 is acknowledged.
2. Claims 2,3, 5,16, and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 5.

*mal* The requirement is FINAL.

***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath and declaration is defective because: Although it appears as though the applicant either included a copy of the original declaration or intended to include a copy of the original oath and declaration as indicated by the letter of transmittal received 3-27-01 no such document is currently of record.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al (US 5,741,184) in view Hikawa et al (US 5,526,306).

Takemoto et al teaches a game ball system utilizing storage medium (See Figure 6) that includes the use of a body including a first control device (501) capable of transmitting (601) and receiving data (603), and game parts or alternatively data carriers (See Figure 1) each including a data carrier having a second control device for transmitting and receiving power and data (112), and a memory cell capable of storing information and programs (116, 117). Takemoto however is silent on the precise type of memory used in his device beyond those of a ROM and a RAM. Hikawa et al discloses a method for building multi-state memories (3 or more states as claimed) to be used in place of binary memories in order to increase efficiency by reducing the number of memory cells (See Figure 38 & Abstract). It would have been obvious to one of ordinary skill at the time of invention to use a plurality of multi-value memory cells in order to conserve space in the device of Takemoto et al.

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7. Claims 8-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al (US 5,741,184) in view of Hikawa et al (US 5,526,306).as applied to claims 1 and 6 above and further in view of Bergeron (US 4,764,666).

Regarding claims 8-13 and in addition to the above stated, the invention of Takemoto et al / Hikawa et al as disclosed above teaches a data carrier includes an antenna and receiving means for receiving data and necessary electrical power through radio waves (a type of electromagnetic wave) through the use of an resonance circuit and includes the incorporation of multi-value memory. However the invention of Takemoto et al / Hikawa et al is silent on the use of a contact terminal for transmitting and receiving via touch and the inclusion of player identifying information on the device beyond the information regarding game progress.

Bergeron teaches in an on-line wagering system with programmable game entry cards that teaches the use of a contact terminal for transmitting and receiving via touch (Col 13:39-49) or electromagnetic waves (13:45-49) and the inclusion of player identifying information on the device including bank account numbers (3:25-38) as well as other player specific information for identifying the individual (7:45-55).

It would have been obvious to one of ordinary skill at the time of invention to have incorporated the invention of Bergeron with the invention of Takemoto et al / Hikawa et al as disclosed above in order to provide a system with increased security from fraudulent use.

Regarding claim 14 as best understood, and in addition to the above stated the invention of Takemoto et al, Hikawa et al and Bergeron includes the ability to store

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information in a multi-value memory regarding the object moving said object. Wherein the "object" as presented is interpreted as a person.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al (US 5,741,184) in view of Hikawa et al (US 5,526,306) as applied to claims 1 and 6 above and further in view of Zalewski (US 5,991,693).

In addition to the above stated, the invention of Takemoto et al / Hikawa et al as disclosed above teaches a data carrier includes an antenna and receiving means for receiving data and necessary electrical power through radio waves (a type of electromagnetic wave) through the use of an resonance circuit and includes the incorporation of multi-value memory. However the invention of Takemoto et al / Hikawa et al is silent on the use of a positional relationship or the inclusion of the positional relationship and a functional means derived from said positional relationship.

Zalewski Teaches a wireless apparatus and method of computer-assisted instruction including a plurality of wireless computer tracked wireless bodies that are further capable of determining the positional relationship of the bodies (Figures 27) and further use this information to execute a process based on this information (Figures 2-6).

It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the invention of Zalewski with the invention of Takemoto et al / Hikawa et al as disclosed above in order to allow players the ability to readily track player behavior in a casino beyond gambling habits.

***Conclusion***

9. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

I. Preston et al (US 5,174,759) discloses a TV animation interactively controlled by the viewer through input above a book page.

II. Lucero (US 5,038,022) discloses an apparatus and method for providing credit for operating a game machine.

III. Gilboa (US 5,853,327) discloses a computerized game board.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

REM



MARK SAGER  
PRIMARY EXAMINER